

# Afghanistan

## Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Afghanistan are unavailable.<sup>30</sup> Child workers are reported to be numerous in rural areas, where they engage in herding, and gathering firewood. Children also work in the urban informal sector in activities such as shining shoes, begging, repairing cars, weaving carpets, rummaging for scrap metal, or in domestic service.<sup>31</sup> Some reports estimate there are as many as 50,000 children working on the streets of Kabul.<sup>32</sup> There are reports that children continue to join or are forcibly recruited into armed groups.<sup>33</sup>

Afghanistan is a country of origin for children trafficked for the purposes of commercial sexual exploitation, forced marriage, forced begging, labor, domestic servitude, slavery, crime, and the harvesting of body organs. Children are reportedly trafficked to Gulf countries, particularly Saudi Arabia and Oman, for street begging and child labor, and some children have been trafficked to neighboring countries such as Pakistan, Tajikistan, and Iran to work in factories and brothels.<sup>34</sup> There have been increasing reports of children reported as missing or kidnapped throughout the country, which may indicate abduction by traffickers.<sup>35</sup> It is also reported that impoverished Afghan families have pushed their children into coercive labor arrangements that constitute or become involuntary servitude, including

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<sup>30</sup> This statistic is not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

<sup>31</sup> Some of these activities expose children to landmines. See U.S. Department of State, *Country Reports on Human Rights Practices-2004: Afghanistan*, Washington, DC, February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41737.htm>.

<sup>32</sup> Tom Coghlan, "Kabul Street Children May Lose 'Nest,'" April 13, 2005; available from [http://news.bbc.co.uk/2/hi/south\\_asia/4441503.stm](http://news.bbc.co.uk/2/hi/south_asia/4441503.stm). See also International Organization for Migration- Kabul, email communication to USDOL Official, July 4, 2005. See also UN Wire, *UN Documents Child Labor Among Afghans*, October 22, 2001.

<sup>33</sup> Peter W. Singer, "Talk is Cheap: Getting Serious About Preventing Child Soldiers," *Cornell International Law Journal* 37 3 (Winter 2004), 561, 562, 571; available from <http://www.brookings.edu/views/papers/singer/20041201.htm>. See also Peter W. Singer, *Too Young to Kill*, Newhouse News Service, [online] January 9, 2005 [cited October 26, 2005]; available from <http://www.brookings.edu/printme.wbs?page=/pagedefs/e3ea5f34884fff3e2e996c4e0a1415cb.xml>. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Afghanistan*, London, November 17, 2004; available from [http://www.child-soldiers.org/document\\_get.php?id=843](http://www.child-soldiers.org/document_get.php?id=843). According to the UN, the recruitment and use of child soldiers in Afghanistan has declined significantly although reliable information remains difficult to obtain and armed groups have not pledged to end the use of child soldiers. Security Council UN General Assembly, *Children and Armed Conflict, Report of the Secretary-General*, A/59/695-S/2005/72, February 9, 2005, para. 8; available from <http://daccessdds.un.org/doc/UNDOC/GEN/N05/215/07/PDF/N0521507.pdf?OpenElement>.

<sup>34</sup> U.S. Department of State, *Country Reports- 2004: Afghanistan*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm>. See also U.S. Embassy- Kabul, *reporting*, September 14, 2005. See also IOM, *Trafficking in Persons- An Analysis of Afghanistan*, January 2004, 46, 51-61; available from [http://www.iom.int/DOCUMENTS/PUBLICATION/EN/Afghan\\_trafficking.pdf](http://www.iom.int/DOCUMENTS/PUBLICATION/EN/Afghan_trafficking.pdf). See Carlotta Gall, "With Child Kidnappings on Rise, Afghans Seek Help from Public," *The New York Times* (New York), April 30, 2004, Section A-8; available from <http://query.nytimes.com/gst/abstract.html?res=F30B15FF3F590C738FDDAD0894DC404482>. See also Mike Collett-White, "Afghan Children Fall Prey to Killers Who Trade in Human Organs," *The Independent* (London), June 7, 2004.

<sup>35</sup> U.S. Department of State, *Trafficking in Persons Report*. See also Integrated Regional Information Networks, "Afghanistan: Campaign underway to raise awareness of child trafficking," IRINnews.org, [online], February 24, 2004; available from <http://www.irinnews.org/print.asp?ReportID=39657>. See also Gall, "Child Kidnappings."

forced marriage and commercial sexual exploitation.<sup>36</sup> Years of conflict have left many families with child-headed households.<sup>37</sup>

The Constitution of Afghanistan provides for free and compulsory education for all citizens up to the secondary level.<sup>38</sup> However, continued violence and instability in the country have hampered educational reconstruction efforts.<sup>39</sup> Access to education for girls was limited in some areas. In some regions, as of 2003, the enrollment rate of girls was estimated at only 3 percent.<sup>40</sup> In 2002, the gross primary enrollment rate was 92 percent.<sup>41</sup> Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Afghanistan.<sup>42</sup> Access to education problems are exacerbated by religious extremist attacks on schools, teachers, and students.<sup>43</sup> Attacks on girls' schools continued during 2005.<sup>44</sup> Some refugee children who have returned from neighboring countries, particularly Iran and Pakistan, are reported to have limited opportunity for education, often because their labor is needed to supplement the meager incomes of their families.<sup>45</sup>

## Child Labor Laws and Enforcement

The 1987 Labor Code prohibits employment of children under 15, although children 14 years old may be employed as workers and children 13 years old may be hired as trainees with parental approval. Children 16 to 18 years old may only work 35 hours per week and children under 16 are only permitted to work for 30 hours per week. The Labor Code does not permit children to be engaged in underground work or in

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<sup>36</sup> U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2004: Afghanistan*, Section 5.

<sup>37</sup> A. B. Popal, *Child-Labor or Breadwinner*, UN-Habitat, October 8, 2004; available from <http://www.fukuoka.unhabitat.org/project/voice.php?sn=8&cn=2&la=1>.

<sup>38</sup> Government of Afghanistan, *Constitution of Afghanistan*, (January 4), Article 43; available from [http://www.oefre.unibe.ch/law/icl/af00000\\_.html](http://www.oefre.unibe.ch/law/icl/af00000_.html). See also U.S. Department of State, *Country Reports- 2004: Afghanistan*, Section 5. See also Anita Anastacio and Dawn Stallard, *Report Card: Progress on Compulsory Education, Grades 1-9*, The Human Rights Research and Advocacy Consortium, March 2004, 1; available from [http://www.oxfamamerica.org/pdfs/afghan\\_education\\_report.pdf](http://www.oxfamamerica.org/pdfs/afghan_education_report.pdf). See also Cathy Young, "Freedom for Afghan, Iraq Women?" *The Boston Globe* (Boston), August 9, 2004; available from [http://www.boston.com/news/globe/editorial\\_opinion/oped/articles/2004/08/09/freedom\\_for\\_afghan\\_iraq\\_women/](http://www.boston.com/news/globe/editorial_opinion/oped/articles/2004/08/09/freedom_for_afghan_iraq_women/).

<sup>39</sup> U.S. Department of State, *Country Reports- 2004: Afghanistan*, Section 5.

<sup>40</sup> Due to long distances, a lack of schools, and a shortage of female teachers (Islamic law discourages girls and women from interacting with adult male non-relatives), girls' access to education is particularly limited in the southern and eastern regions of Afghanistan. See Human Rights Watch, *"Killing You is a Very Easy Thing For Us": Human Rights Abuses in Southeast Afghanistan*, New York, July 2003, 77-78; available from <http://www.hrw.org/reports/2003/afghanistan0703/>.

<sup>41</sup> UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005)

<sup>42</sup> This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

<sup>43</sup> Radio Free Europe / Radio Liberty, *Attackers Torch Afghan Girls School*, June 24, 2005; available from <http://www.rferl.org/featuresarticle/2005/6/25719D1F-56CF-4D91-9D4D-FE0AD6200CCF.html>.

<sup>44</sup> BBC News, *Afghan Girls' School Attacked*, June 23, 2005; available from <http://news.bbc.co.uk/go/pr/fr/-/1/hi/education/4124482.stm>, Swedish Committee for Afghanistan, *SCA Condemns Recent Attacks on Girls' Schools*, press release, Kabul, April 1, 2004; available from [http://www.swedishcommittee.org/archive/articles/press/2004/girl\\_school\\_attacks/](http://www.swedishcommittee.org/archive/articles/press/2004/girl_school_attacks/). See also Greg Bearup, "Girls 'Poisoned by Militants for Going to School'," *The Guardian* (May 3, 2004); available from <http://www.guardian.co.uk/print/0,3858,4915217-108920,00.html>.

<sup>45</sup> Despite limited opportunities, refugee families returning to Afghanistan often cite a desire to ensure education of their children as a primary reason for their return. See Amnesty International, *Afghanistan- Out of Sight, Out of Mind: The Fate of the Afghan Returnees*, ASA 11/014/2003, London, June 23, 2003, Section 7.6; available from <http://www.web.amnesty.org/library/index/engasa110142003>.

conditions that are physically arduous or harmful to the child’s health.<sup>46</sup> The minimum age for military service in the Afghan National Army is 18 years.<sup>47</sup> The Constitution prohibits forced labor, including that of children.<sup>48</sup>

There is no evidence of effective enforcement of child labor laws in Afghanistan.<sup>49</sup> According to the U.S. Department of State, the government lacks the capacity to enforce child labor laws.<sup>50</sup> The Afghan Judicial Reform Commission within the Ministry of Justice has been charged with drafting and revising laws to prevent and prosecute trafficking crimes.<sup>51</sup> Until new laws are enacted, trafficking crimes may be prosecuted under laws dealing with kidnapping, rape, forced labor, transportation of minors, child endangerment, and hostage-taking. Prison sentences for such offenses are longer for cases involving minors and girls.<sup>52</sup>

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Afghanistan is working to address child soldiering and child trafficking, including the commercial sexual exploitation of children. The Ministry of Labor and Social Affairs, together with UNICEF, participates in a Working Group on Commercial Sexual Exploitation of Children.<sup>53</sup> In collaboration with UNICEF, the government developed a National Action Plan to Combat Child Trafficking that sets goals and timelines for reducing the number of children vulnerable to trafficking. In addition, the government established a National Counter Trafficking Commission comprised of representatives of the Ministries of Labor and Social Affairs, Foreign Affairs, Justice, Interior, and Women’s Affairs as well as representatives of UNICEF and other international and national NGOs.<sup>54</sup>

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Child Trafficking)	✓

USDOL largest donor to a USD 5.27 million, 4-year project in which UNICEF works with the government to demobilize and reintegrate former child soldiers. The project provides community-based rehabilitative,

<sup>46</sup> U.S. Embassy- Kabul, *reporting*, September 14, 2005.

<sup>47</sup> *Presidential Decree No. 20*, (May 25, 2003). See also USDOL consultant, email communication to USDOL official, December 17, 2005. See also U.S. Department of State official, email communication to USDOL official, December 21, 2005.

<sup>48</sup> *Constitution of Afghanistan*, Article 49.

<sup>49</sup> U.S. Department of State, *Country Reports- 2004: Afghanistan*, Section 6d.

<sup>50</sup> U.S. Embassy- Kabul, *reporting*, September 14, 2005.

<sup>51</sup> U.S. Embassy- Kabul, *reporting*, March 12, 2004.

<sup>52</sup> *Ibid.*

<sup>53</sup> U.S. Embassy- Kabul, *reporting*, March 12, 2004.

<sup>54</sup> U.S. Embassy- Kabul, *reporting*, September 14, 2005.

psychosocial, and non-formal education services to 8,000 child soldiers. As of September 15, 2005, 5,345 former child soldiers have been demobilized.<sup>55</sup>

The Government of Afghanistan and the international community have undertaken significant steps to rebuild the country's education system, particularly within the context of post-conflict reconstruction.<sup>56</sup> The World Bank is funding a USD 35 million Education Quality Improvement Program in Afghanistan, which aims to improve education through investment in personnel, physical facilities, capacity building, and the promotion of girls' education.<sup>57</sup> The government is also implementing a USD 15 million World Bank project that, among other activities, aims to promote learning and skills development among disadvantaged girls and former combatants.<sup>58</sup>

UNICEF is working to increase access to education for 1 million Afghan children and to increase girls' enrollment by 1 million by 2006<sup>59</sup> through community-based schools, improved teacher training, and accelerated learning programs.<sup>60</sup> The ASB, Islamic Development Bank, and other donors are funding the construction of new schools as well as the repair of existing schools.<sup>61</sup> USAID is working with the Ministry of Education on a comprehensive program to enrich the quality of and access to basic education that includes an accelerated learning program for over-aged students, the provision of textbooks, and

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<sup>55</sup> Other donors include the Swedish International Development Agency, Government of Germany, Government of the Netherlands, Government of Japan and the UNICEF National Committees of Germany, Japan, UK, and France. Vera Chrobok, *Demobilizing and Reintegrating Afghanistan's Young Soldiers: A Review and Assessment of Program Planning and Implementation*, Bonn International Center for Conversion, Bonn, 2005, 39; available from <http://www.bicc.de/publications/papers/paper42/paper42.pdf>. See also UNICEF, *Demobilization, Social and Economic Reintegration of Child Soldiers/Minors Associated with the Fighting Forces in Afghanistan*, project document, Geneva, March 2, 2004, 5. See also UNICEF, *Demobilization of Child Soldiers and Socio-Economic Reintegration of War-affected Young People in Afghanistan*, technical progress report, September 2005, 5. The project is being implemented in collaboration with the Afghanistan New Beginnings Program. See Integrated Regional Information Service, *Afghanistan: UNICEF Helps Demobilize 4,000 Child Soldiers*, December 16, 2004; available from <http://www.irinnews.org/print.asp?ReportID=44706>.

<sup>56</sup> In March 2004, the head of the UN Assistance Mission in Afghanistan estimated a need of USD 173 million for education to build new schools, improve teaching materials, develop new curricula, and hire more teachers. See UN News Service, *UN Envoy Urges More Funds to Help Afghanistan's Schoolchildren*, press release, UN News Centre, March 21, 2004; available from <http://www.un.org/apps/news/storyAr.asp?NewsID=10150&Cr=Afghanistan&Cr1=&Kw1=envoy&Kw2=&Kw3=.> A number of major donors, including the World Bank, ADB, the Islamic Development Bank, UNICEF, UNESCO, UNDP, UNHCR, USAID, USDOL, and numerous NGOs, are funding projects to support the Ministry of Education in its effort to fulfill the demand for education in Afghanistan. See UNESCO, *Educational Reconstruction in Afghanistan: Transitional Support Strategy 2002-2004*, UNESCO, Paris, July 2002, 13.

<sup>57</sup> World Bank, *Education Quality Improvement Program*, in World Bank Project Database, [database online] 2004 [cited December 7, 2005]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&ProjectID=P083964>. See also World Bank, *Education Quality Improvement Program*, project information document, AB545, World Bank, February 17, 2004; available from [http://www-wds.worldbank.org/servlet/WDS\\_IBank\\_Servlet?pcont=details&eid=000104615\\_20040311164542](http://www-wds.worldbank.org/servlet/WDS_IBank_Servlet?pcont=details&eid=000104615_20040311164542).

<sup>58</sup> World Bank, *Emergency Education Rehabilitation & Development Project*, project information document, PID11129, World Bank, May 21, 2002, 2-3; available from [http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/04/19/000094946\\_02041804135557/Rendered/PDF/multi0page.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/04/19/000094946_02041804135557/Rendered/PDF/multi0page.pdf). See also World Bank, *Emergency Education, Rehabilitation and Development Project*, [online] 2005 [cited December 7, 2005]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&ProjectID=P077896>.

<sup>59</sup> World Bank, *Emergency Education Rehabilitation & Development*, project information document. See also Integrated Regional Information Networks, "Afghanistan: New School Year Opens on Optimistic Note", IRINnews.org, March 22, 2004; available from <http://www.irinnews.org/print.asp?ReportID=40170>. See also Integrated Regional Information Networks, "Afghanistan: Interview with UNICEF Deputy Executive Director," IRINnews.org, [online], April 5, 2004; available from <http://www.irinnews.org/print.asp?ReportID=40418>.

<sup>60</sup> Integrated Regional Information Networks, "Afghanistan: New school year." See also UN News Service, *UN Envoy Urges More Funds*.

<sup>61</sup> World Bank, *Emergency Education Rehabilitation & Development*, project information document, 2.

innovative teacher training programs. To date, 48.5 million books have been printed, 6,800 teachers have been trained, 170,000 new students have been enrolled, and 376 schools have been built or refurbished.<sup>62</sup> As part of the UN World Food Program's initiative to spur school enrollment, over 1 million school children will receive food at school and to take home.<sup>63</sup>

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<sup>62</sup> USAID Afghanistan, *Enhancing Education*, [cited December 7, 2005]; available from [http://www.usaid.gov/locations/asia\\_near\\_east/afghanistan/education.html](http://www.usaid.gov/locations/asia_near_east/afghanistan/education.html).

<sup>63</sup> UN News Service, *UN Agency Welcomes Latest Delivery of Indian Wheat to Feed Afghan Schoolchildren*, May 17, 2005; available from <http://www.un.org/apps/news/storyAr.asp?NewsID=14306&Cr=afghan&Cr1=&Kw1=wheat&Kw2=&Kw3=>.